APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/346,412	07/01/1999	GREGORY A. JAMIESON	H16-25990	2387

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EXAMINER
TRAN, MYLINH T

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- -. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Request for recon filed 06/29/04*

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,6-24,27 and 29-58* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *49-57* is/are allowed.

6)☒ Claim(s) *1,6,9-24,29,33-48 and 58* is/are rejected.

7)☐ Claim(s) *7, 8, 27 and 30-32* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Applicant's request for reconsideration filed on 06/29/04 has been carefully

considered. However, arguments regarding rejections under 35.U.S.C 103

have not been found to be persuasive. Therefore, these claims 1, 6, 9-24, 29,

33-48 and 58 are rejected under the same ground of rejection as set forth in

the Office Action mailed (02/10/04).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 9-10, 16, 24, 29, 33, 41, 43 and 58 rejected under 35

U.S.C. 102(b) as being anticipated by Harrow et al. [US. 5,375,199].

As to claims 1, 24 and 58, Harrow et al. discloses displaying a scale

extending along a gauge axis (figure 11B), displaying one or more bars

extending along the gauge axis (the slider ALARM is one bar), each bar

representative of a set of high and low process limit values for a process

variable (50, 32 represent high and low limit values), displaying a first bar

extending along the gauge axis, wherein a first end of the first bar is

representative of an engineering hard high limit for the process variable

(figure 11B, 80 is the engineering hard high limit) and a second end of the

first bar is representative of engineering hard low limit for the process

variable (figure 11B, 0 is the engineering hard low limit), wherein the first end

and second end of the first bar representative of the engineering hard high

and hard low limits define a range in which operator set high and low limits

are set (the bar "slider ALARM" is the range in which operator set high and

low limits are set);

a second bar extending along the gauge axis (the bar "slider ALARM is the

second bar), wherein a first end of the second bar is representative of an

operator set high limit for the process variable (value 50 is the first end of the

bar represents for high limit); and a second end of the second bar is

representative of an operator set low limit for the process variable (32 is the

second end of the bar represent for low limit) wherein the first end and

second end of the second bar representative of the operator set high and low

limits define a range in which the process is free to operate (column 18, lines

13-40);

and the graphical shape displayed along the gauge axis representative of

current value of the process variable (figure 11B).

As to claims 6 and 29, Harrow et al. teaches the second bar extending along

the gauge axis representative of operator set high and low limits for the

process variable extends along the gauge axis within the first bar

representative of the engineering hard high and low limits for the process

variable (value limits 32 and 50 of second bar are displayed within value

limits 0 and 80 of first bar).

As to claims 9 and 10, Harrow et al. also discloses the graphical user

interface further includes user manipulation elements movable to change one

or more of the high and low process limit values (column 18, lines 22-32).

As to claim 16, Harrow et al. shows the scale extending along the gauge axis

is adjustable as a function of a current value of the process variable relative

to the one or more process limits values (column 18, lines 12-40).

As to claim 33, Harrow et al. also demonstrates displaying user manipulation

elements movable to change one or more of the high and low process limit

values, moving such user manipulation elements to generate data

representative of changed high or low process limit values; and providing

such data to a controller of the process (figure 13A, 206, 208, column 2, lines

38-44, column 19, lines 1-10 and column 9, lines 24-46).

As to claim 41, Harrow shows rescaling the scale extending along the gauge

axis as a function of the current value of the process variable relative to the

set of high and low process limit values (figure 11B, user can rescale the

scale of the gauge axis).

As to claim 43, Harrow et al. teaches determining the state of the current

value of the process value relative to the set of high and low process limit

values includes determining whether the current value of the process

variable is within the set of high and low process limit values (figure 11B,

value limits 32 and 50 of second bar are displayed within value limits 0 and

80 of first bar), and determining whether the current value of the process

variable is within a certain percentage of a limit value of the set of high and

low process limit values, and determining whether the current value of the

process variable is a certain percentage outside of the set of high and low

process limit values (column 18, line 43 through column 19, line 30).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis

for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or
described as set forth in section 102 of this title, if the differences between the subject matter
sought to be patented and the prior art are such that the subject matter as a whole would
have been obvious at the time the invention was made to a person having ordinary skill in
the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

Claims 11-15, 17-19, 34-40, 42 and 44-45 are rejected under 35

U.S.C. 103(a) as being unpatentable over Harrow and further in view of

Schaefer et al. [US. 4,675,147].

As to claims 11, 12, 35, 36 and 37, the difference between Harrow and the

claim are the user manipulation elements include one or more manipulation

pointer flags associated with operator set limits, the one or more

manipulation pointer flags are draggable along the gauge axis to change

such operator set limits and the user manipulation elements include one or

more manipulation pointer flags associated with the engineering hard limits,

the one or more manipulation pointer flags are draggable along the gauge

axis to change such engineering hard limits. Schaefer et al. also shows these features at column 3, lines 50-65. Although Schaefer et al. also teaches the engineering hard high and low limits, it does not shows the engineering high and low limits defining a range in which operator set high and low limits being set. It would have been obvious to one of ordinary skill in the art, having the teachings of Harrow and Schaefer et al. before them at the time the invention was made to modify the process variables taught by Harrow to include the pointer flags of Schaefer et al., in order to be able for user see the setting points clearly.

As to claims 13, 34, 38 and 40, Schaefer et al. demonstrates the graphical shape representative of the current value of the process variable that is a pointing device proximate to the scale (column 13, lines 46-67 and column 14, lines 1-35).

As to claim 14, Schaefer et al. teaches graphical user interface further includes at least one additional graphical shape displayed along the gauge axis representative of at least one additional value for the process variable (figure 5, column 16, lines 25-50)

As to claims 15, 17 and 39, Schaefer et al. also teaches the additional graphical shape representative of at least one additional value for the process variable that has a color of a set of colors that reflects the state of the current value for the process variable relative to the set of high and low process limit values (column 15, lines 20-32).

As to claim 18, Schaefer et al. also shows a color for the graphical shape represents one of a current value of the corresponding process variable being within the set of high and low process limit values, the current value of the corresponding process variable being within a certain percentage of a limit value of the set of high and low process limit values, and the current value of the corresponding process variable being outside of the set of high and low process limit values (column 15, lines 20-32).

As to claim 19, while Schaefer et al. discloses a background of a region adjacent the one or more bars along the gauge axis is of a color when the graphical shape representative of the current value of the process variable is outside of the high and low process limit values, Harrow et al. teaches the region being representative of engineering physical limits of the process variable; the user low and high limit values would be inside the engineering high and low limits; and the graphical shape representative of the current value of the process variable is outside of the high and low process limit values (figure 11B, 32 and 50 place inside 0 and 80).

As to claim 42, Schaefer et al. also shows displaying the graphical shape representative of the current value of the process variable includes: determining a state of the current value of the process value relative to the set of high and low process limit values and displaying the graphical shape in a color of a set of colors that reflects the state of the current value for the process variable (column 17, lines 4-49).

As to claim 44, while Schaefer et al. also teaches displaying a graphical element representative of engineering physical limits of the process variable, Harrow et al. shows determining whether the current value of the process variable is outside of the set of high and low process limit values and when the current value of the process variable is outside the set of high and low process limit values (figure 11B, column 18, lines 12-57).

As to claim 45, Schaefer et al. demonstrates displaying a graphical element representative of engineering physical limits of the process variable includes displaying a background region adjacent the one or more bars along the gauge axis in a particular color representative of engineering physical limits (column 9, lines 39-53).

Claims 20-23 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable Harrow et al. [US. 5,375,199] and further in view of van Weele et al. [US. 5,631,825].

As to claim 20, the difference between Harrow and the claim is a trend graph. van Weele et al. discloses the graphical user interface further includes a trend graph for the process variable (column 6, lines 30-35). It would have been obvious to one of ordinary skill in the art, having the teachings of Harrow et al., and van Weele et al. before them at the time the invention was made to modify the gauge axis, the graphical shape and operator set limit for the process variables as taught by and Harrow to include the trend graph of

van Weele et al. in order to provide data input means for selecting one of a

set of preselected process primitives, and means for indicating a value for

the selected process primitive and substituting the input value for that

primitive as the value to be monitored and controlled by the PCC, as taught

by van Weele et al.

As to claim 21, van Weele et al. also discloses the trend graph includes at

least one of a historical trend graph and a prediction trend graph for

displaying trend information representative of process variable values

(column 14, lines 10-65).

As to claim 22, van Weele et al. teaches the trend graph includes at least

one of a historical trend graph and a prediction trend graph for displaying

trend information representative of process variable limits (figures 20-21,

column 36, lines 35-52).

As to claim 23, while van Weele et al. teaches the manipulated and controller

variables (column 35, lines 31-61), Harrow shows plurality of variables of a

continuous multivariable process

As to claim 46, van Weele et al. also demonstrates displaying a trend graph

for the process variable with the displayed scale, one or more bars, and the

graphical shape representative of the current value of the process variable

(column 14, lines 11-26).

As to claim 47, van Weele et al. discloses displaying the trend graph includes

displaying at least one of a historical trend graph and a prediction trend

graph for the process variable representative of process variable values (column 14, lines 27-67).

As to claim 48, van Weele et al. also discloses displaying the trend graph includes displaying at least one of a historical trend graph and a prediction trend graph for the process variable representative of process variable limits (figures 20-21, column 14, lines 1-50).

Response to Arguments

Applicant's arguments with respect to claims 1, 6, 9-24, 29, 33-48 and 58 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 49-57 are allowable. The reason for the allowance is none of the references teach a delta soft high region within the first bar and adjacent the first end thereof and a delta soft low region within the first bar and adjacent the second end thereof, and further wherein the delta soft high region and the delta soft low region are representative of a delta optimization range within the operator set high and low limits. The method for providing real-time process information to a user with regard to a process is assumed to be default choice is patentable over relevant prior art made of record.

Claims 7, 8, 27 and 30-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

These claims would be allowable because the prior arts fails to teach or

suggest a delta soft high region within the first bar adjacent the first end

thereof and a delta soft low region within the first bar and adjacent the

second end thereof, and the delta soft high region and the delta soft low

region are representative of a delta optimization range within the operator set

high and low limits.

THIS ACTION IS MADE FINAL. Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first

reply is filed within TWO MONTHS of the mailing date of this final action and

the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action.

In no event, however, will the statutory period for reply expire later than SIX

MONTHS from the mailing date of this final action.

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and

Trademarks, Washington, D.C. 20231. If applicant desires fax a response,

(703) 746-7238), may be used for formal After Final communications, (703)

746-7239 for Official communications, or (703) 746-7240 for Non-Official or

draft communications. NOTE, A Request for Continuation (Rule 60 or 62)

cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile

communications. For after final responses, please label "AFTER FINAL" or

"EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Mylinh Tran whose telephone

number is (703) 308-1304. The examiner can normally be reached on

Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the

examiner 's supervisor, Heather Herndon, can be reached on (703)

308-5186,

All Internet e-mail communications will be made of record in the

application file. PTO employees do not engage in Internet communications

where there exists a possibility that sensitive information could be identified

or exchanged unless the record includes a properly signed express waiver of

the confidentiality requirements of 35 U.S.C. 122. This is more clearly set

forth in the Interim Internet Usage Policy published in the Official Gazette of

the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this

application or proceeding should be directed to the Group receptionist whose

telephone number is (703) 305-3800.

Mylinh Tran

Art Unit 2179

BA HUYNH
PRIMARY EXAMINER